

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DONALD JEREMY TAUL,

Plaintiff,

v.

CORRECTHEALTH BIBB LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:12-CV-332 (MTT)

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 12). The Magistrate Judge, having reviewed the Complaint pursuant to 28 U.S.C. § 1915A, recommends dismissing Defendant CorrectHealth Bibb LLC (“CorrectHealth”) because the Plaintiff’s Complaint does not contain any allegations suggesting that it may be held liable. The Magistrate Judge also recommends dismissing Defendant Bibb County Sheriff’s Office because it is not an entity that can be sued under § 1983. The Plaintiff filed an objection to the Recommendation.¹ (Doc. 17).

Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Plaintiff’s objections and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The Plaintiff argues that CorrectHealth should not be dismissed because a private contractor may be treated as a municipality under § 1983. While the Plaintiff is correct that a private entity acting in the place of a

¹ In his objection, the Plaintiff asks the Court to add several defendants in their official capacities because he seeks a preliminary injunction against them. The objection is not the proper place to make this request. If the Plaintiff would like to add these parties as defendants, he should file an amended complaint.

municipality may be liable for § 1983 violations, he has not alleged that CorrectHealth has any policy or custom that caused his constitutional violations in order to establish municipal liability against CorrectHealth. See *Buckner v. Toro*, 116 F.3d 450, 452-53 (11th Cir. 1997) (“[T]he requirement of a municipal policy or custom constitutes an essential element of a § 1983 claim that a plaintiff must prove in order to establish municipal liability.”).

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge, and the Recommendation is adopted and made the order of this Court. Defendants CorrectHealth Bibb LLC and Bibb County Sheriff’s Office are **DISMISSED** as parties to this action. The Plaintiff’s claims against the remaining Defendants shall go forward.

SO ORDERED, this the 22nd day of January, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT